IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17371 of 2004

Between:

V. Harinath S/o V. Chandra Sekhar Rao
R/o H. NO. 1-6-21/37, Chitanyapuri Colony, Dilsukh Nagar, Hyderabad

..... PETITIONER

AND

1 The Secretary, Government of A.P., Panchayat Raj & Rural Development, Secretariat, Hyderabad
2 The District Collector, Ranga Reddy District Spurthy Bhavan, Lakadikapool, Hyderabad
3 The Executive Officer (PS)Gram Panchayat, Kuntloor Hayathnagar Mandal, Ranga Reddy District
4 The Sarpanch Gram Panchayat, Kuntloor Hayathnagar Mandal, Ranga Reddy District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or Direction more particularly one in he nature of Writ of Mandamus declaring the Notice dt 31-082004 issued by the Third Respondent herein as Highly illegal, arbitrary and against the statutory provisions contemplated under the Act and consequently quash the same

Counsel for the Petitioner:MR.KOKA SRINIVAS KUMAR

Counsel for the Respondent No.1 and 2: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for Respondent No.3 and 4 : Smt.Jyothi Eswar, Advocate.

The Court made the following :

ORDER:

Heard the learned counsel on either side and with their consent the writ petition itself is disposed of at the stage of admission.

By the impugned notice dated 31.8.2004, the 3rd respondent-Executive Officer, Gram Panchayat, Kuntloor, Hayathnagar Mandal, Ranga Reddy District, called upon the petitioner to show cause with regard to the construction activity taken up by him without obtaining permission from the Gram Panchayat under the provisions of the A.P. Panchayat Raj Act, 1994 and G.O.Ms.No.408, and also to furnish the

sanctioned plan, fee paid, property tax receipts and all the relevant particulars thereto. Questioning the same, the present writ petition has been filed without answering the notice of the 3rd respondent.

Learned counsel for the petitioner submits that the petitioner made applications several times and requested for sanction and since he had not received any communication in that regard, he proceeded with construction under the deeming provisions and submits that the petitioner had submitted his explanation to the 3rd respondent on 20.9.2004 for sanction of permission, but so far no orders were passed on the said explanation.

Considering the submissions made and having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents 3 and 4 to consider the said representation filed by the petitioner, if necessary by giving due opportunity to him in order to establish that he made such an application and proceeded with the construction under the deeming provisions, and pass a speaking order. Until final orders are passed pursuant to the show cause notice, the respondents shall not demolish the structures, if any, made by the petitioner. No costs.

28.9.2004

CVM

To,

1 The Government of A.P., Panchayat Raj & Rural Development, repby Secretary, Secretariat, Hyderabad
2 The District Collector, Ranga Reddy District Spurthy Bhavan, Lakadikapool, Hyderabad
3 The Executive Officer (PS)Gram Panchayat, Kuntloor Hayathnagar Mandal, Ranga Reddy District
4 The Sarpanch Gram Panchayat, Kuntloor Hayathnagar Mandal, Ranga Reddy District

5. 2 CCs to G.P. for Panchayat Raj and Rural Development, High Court of A.P., Hyderabad (OUT).

6. 2 CD copies.